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United States appeal court
for the Third Circuit

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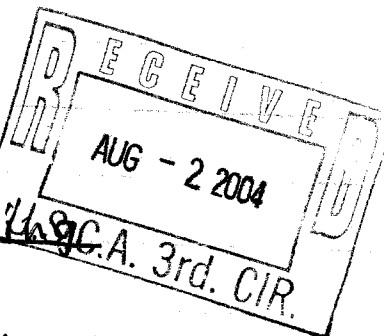
WM Branch
vs. Plaintiff

M.D. Civil action No. 1:00-1728

Judge Conner

Mr Russell et. al.,
Defendant

Notice of appeal and
asking for a stay in proceedings



If it please the COURT here comes ignoble inmate
WM Branch CF3756 asking this Noble Court to grant me
an Appeal of a Court order by his august Honor, Conner
of the middle District, who awarded me \$10.00 as Reasonable
cost for informal and formal expenses, this after 2 yrs of
Pleadings, motions for discovery, had been dismissed as
Premature, a violation of fed. Rules of Civil Procedure
26, 33, 37, Per Judge Conners order,

Discovery is to be done without a court order and the
attorney General Ms Mosley Refused to participate opting
to file a motion for Summary Judgement see Court Docket
as to the time and Judge Conners Ruling on my motion's

in the order I am appealing Judge Conner's stated that
in (Doc. 164) I identified my cost to be \$10.00 this is not
True a copy of (Doc. 164) is inclosed I asked for \$10,000.00

Reason that I spent at least 80 hours over the last
Two years on discovery and as I am Pro Se, Pleading before
the court as a Lawyer \$125.00 an hour as attorney Fee

more over Ms Mosley is guilty of violating Fed Rules
of Discovery and she is Senior Deputy attorney General
#1 ARRON Helms vs. Hewitt supt. 780 F.2d 367 (3rd CIR. 1986) 3/1988

See Exhibit
next Page

Wm Branch
Plaintiff

vs.
MR. Russian
Defendant

: Civaction No. 1:00-CV-1728
: (Judge Conner)
:

Motion to the Court to Grant a
Motion to order Defendants to
Discovery and find them in Contempt

If it Pleasels this Noble Tribunal here Come's this Ignoble inmate Wm Branch CF3756 asking this most Judicial Tribune to Hold these Defendants in contempt of the Court for not answering an interrogatories Per fed. Rules of Civil Procedure Rules 33, 37 (b)(2)(D)(C)(E) Rule

On 2-19-04 This august Court issued an Order for Discovery to be complete by 3-19-04 to this Date 3-25-04 Defendants have not answered any of my interrogatories.

Therefore I Pray this Honorable Court will Vouchsafe to Grant my Motion to Hold these Defendants in Contempt of Court. Rule 37 (b)(2)(D), Rendering a judgement in Default against the Defendants Rule 37 (b)(2)(C) Rule 37 (C)(D) The Defendants Shall Pay Reasonable legal fees, I am asking for \$10,000 so the Defendants will never again Disobey your Court orders

I affirm under Penalty of the Law that the above is true.
unsworn Declaration
Proof of Service
Ms Mosley age 5DAG. 15th FL Strawberry St Harrisburg Pa 17120

Date 3-25-04

Respectfully
William Branch CF3756
PO Box 256 Waymart Pa 18472

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in Judge Conners order Dated June 29th 2004 He stated that Ms Mosley admits that the motion was properly served and offered no Reason to justify her failure other than to object to the Relevance of the discovery, but a look at her letter to this effect she does not object only stated she should have objected see: Def. Brief in opposition to plaintiff's motion to compel or for sanctions Pg 7 Dated May 7, 2004, Judge Conners also stated in his memorandum that Ms Mosley was the Reason he had to Reschedule the Trial his words "counsel's dereliction has also necessitated another delay of these proceeding". he also stated that Navient Mktg. Solutions, Inc. vs. Larry Tucker, Inc. 339 F.3d 180, 185 (3rd Cir. 2003) conferred him with power to Sanction Ms Mosley esq. this case also states Reasonable cost and attorney fee's.

on this matter of award if the Judge stated in is order that Doc. 164 has the amount of cost I ask for and that cost is \$10,000.00 also atested to in Ms Mosley Brief in opposition to Plaintiff's motion to compel or for Sanctions Dated May 7 2004, and he stated "I identified by Plaintiff is approximately \$10.00 see Judge Conners memorandum Page 4 dated 6-29-04. I should be given the \$10,000.00 because the \$10.00 is not what I Identified as my cost and he stated in Parenthesis (Doc. 164) where in my Request for award this could be found Respectfully For the Reasons stated I am asking for a stay in Proceeding from this Date 7-28-04 Pending appeal a Review of the award of Reasonable cost and Denial of Supplemental Pleading and the limited Scope of Discovery

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I have been denied discovery on question about Parole Statistic's. Contractors ass'n of Eastern Pennsylvania in vs. City of Phila 6 F.3d 990 on Remand 893 F. Supp. 419 affirmed 91 F.3d 586 cert denied 117 S.Ct. 953 136 L.Ed 2d 841

[16,17] Federal Civil Procedure Key 2491.5

Anecdotal and Statistical Evidence Presented by city was sufficient to with stand summary Judgement by contractors who Raise equal Protection. I have alleged that the defendants have Retaliated against me by denying me Parole and that they wrote misconduct within the time or near the time I was to come up for Parole, the Law suit the staff was trying to force me to drop was a parole § 1983 presently in 3rd CIR. COURT of Appeals Civil action No. 99-3507

my interogatorie's on the sex offender program are Relevant as the defendant will argue that I was not Retaliated against by denying me Parole but I was denied Parole because I did not complete the program. see § 1983 complaint No. 1:00-1728

I wish to show the court the these program have no Rehabilitation components/ Benifits that more inmate who Do not take these Sex offenders Programs stay out of prison (do not Reoffend with same crime) and those who take these sex offenders Reoffend w/ same crime also as I was convicted Before 1996 Ex post facta attaches yet the parole Board keeps Reviewing me under 1996 standards I have been beat up and ~~then~~ when I Reported

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I was written up and put in the RHu/Hole and I tried to get this put in my case with amended complaint and supplemental pleading Judge Conner Refused and said the defendants would be prejudice.

because of Judge Conner not allow me discovery before the defendant filed for summary Judgement I was not allow full Discovery and he has narrowly allowed Discovery to issue's of summary Judgement, but even with this he allowed questions about misconducts against defendant but Refused questions on How many Grievance's were written by others and what they were for

I received a letter from the 3rd Cir. marked open in presents of inmate but it was already open. Respectfully I pray this most Honorable Tribunal will modify Judge Conners order Dated 7-29-04 to allow all interrogatories be answered and the award for defendants failure to participate in discovery be change to \$10,000.00 as Doc. 164 calls for and what I asked for which would be Reasonable 80 hrs at a Rate of \$125.00 a hour over a ~~per~~ period of 2 yrs as a Relief Obtained Attorney Fee's ARRON Helms Vs Hewitt Supt 780 F2d 367 (3rd Cir 1986) 42 § 1988

Proof of Service by first class mail
Judge Conner P.O. Box ~~983~~ 983 Harrisburg Pa. 17108

Unsworn declaration

I affirm under Penalty of the Law that the above is True
Date 7-28-04
William Branch CF 3756
P.O. Box 256
Waymart Pa 16842

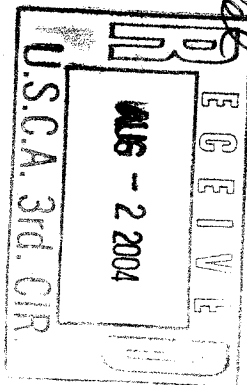
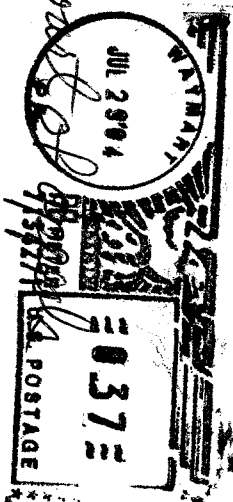
Name & No. CE3156 Branch
P.O. Box 256
Waymart, PA 18472-0256

INMATE MAIL
PA DEPARTMENT OF CORRECTIONS

U.S.M.S.
X-RAY

*The United States Court of Appeals
for the Third Circuit Court of Appeals*

*6th + market
Philadelphia Pa 19106*



19106/3333

